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Planning Commission Study Session

TO: PLANNING COMMISSION

FROM: NICHOLE MCCARTY, PLANNER II *NM*
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THROUGH: CATHERINE LORBEER, AICP, PRINCIPAL PLANNER *chl*
(480) 503-6016, CATHERINE.LORBEER@GILBERTAZ.GOV

MEETING DATE: AUGUST 6, 2014

SUBJECT: UP14-06 ELEGANT BARN; A MODIFICATION TO AN EXISTING
CONDITIONAL USE PERMIT (UP12-05) TO ALLOW A BANQUET
FACILITY, FOR APPROXIMATELY 1.11 ACRES OF REAL
PROPERTY, LOCATED SOUTH OF THE SOUTHEAST CORNER OF
GREENFIELD ROAD AND BASELINE ROAD AT HOUSTON AVENUE,
IN SINGLE FAMILY-43 (SF-43) ZONING DISTRICT.

STRATEGIC INITIATIVE: Community Livability

This existing banquet facility provides a location for social gatherings for wedding receptions, anniversaries, birthday parties and similar events for the community.

RECOMMENDED MOTION

Request for input only. No motion required.

APPLICANT/OWNER

Vintage Venue Ventures, LLC.
Dennis and Stella Elliott
3914 N. Pinnacle Hills Circle
Mesa, AZ 85207
(408) 483-7011
Email: dero@ix.netcom.com

BACKGROUND/DISCUSSION

History

Date	Action
<i>April 11, 2006</i>	The Town Council approved A05-26 annexing this Greenfield Baseline County Island area including the subject property.
<i>August 2, 2012</i>	The Zoning Administrator approved case AUP12-05; an administrative use permit for shared parking between the subject site and the Spirit of Joy Lutheran Church to the south.
<i>October 3, 2012</i>	The Planning Commission approved case UP12-05; a conditional use permit allowing the banquet facility to operate in the Single Family Residential SF-43 district, with stipulations limiting the operating hours and days of week and prohibiting the use of live bands.
<i>November 15, 2012</i>	Case UP12-05 was appealed to the Town Council. The Town Council upheld the Planning Commission approval of case UP12-05, with additional stipulations setting a maximum occupancy of 233 and prohibiting parking on the west side of Greenfield, the use of speakers outside of the facility, and the consumption/service of alcohol.

Overview

The existing banquet facility is located on a 1.11 acre lot south of the southeast corner of Greenfield Road and Baseline Road at Houston Avenue. The facility has been operating under Conditional Use Permit UP12-05, approved by the Planning Commission in October 2012, and Town Council in November 2012, and has been open to the public starting January 8, 2014.

Surrounding Land Use & Zoning Designations:

	Existing Land Use Category	Existing Zoning
North	Residential > 0-1 DU/Acre	Single Family-43 (SF-43) large lot residential subdivision along Desert Lane.
South	Residential > 0-1 DU/Acre and Residential > 1-2 DU/Acre	Single Family- 43 (SF-43) Houston Ave. alignment and Spirit of Joy Lutheran Church and (SF-15) Carriage Parc residential subdivision
East	Residential > 0-1 DU/Acre	Single Family-43 (SF-43) large lot residential subdivision along Desert Lane and Houston Ave.
West	Residential > 3.5-5 DU/Acre	Greenfield Rd. then Tanglewood Cove Unit II at Val Vista Lakes, Single Family-7 (SF-7)
Site	Residential > 0-1 du/acre	Single Family-43 (SF-43) parcel

DISCUSSION AND REQUESTED INPUT

The applicant is requesting modifications to an existing Conditional Use Permit (UP12-05) for an approval of a Banquet Facility on a 1.11 ac. site situated south of the southeast corner of Greenfield and Baseline Roads, in Single Family-43 (SF-43) zoning district. The banquet facility

site abuts Single Family-43 (SF-43) on the north and east sides with the Spirit of Joy Lutheran Church to the south and Carriage Parc Estate (SF-15) to the southeast. Along the west side, the site has access at a single location to Greenfield Rd, (minor arterial), which contains two lanes in each direction with a continuous center turn lane. The site also contains a private access easement along the south side of the property (the Houston Avenue alignment), which extends from Greenfield Road to other residential lots located to the east.

The approximate 3,500 sq. ft. barn is located near the southeast corner of the site and an approximate 7,000 sq. ft. grassed area is situated north of the barn behind the residence for use by guests and patrons. From this grassed area, adjoining SF-43 residences are located about 100 ft. toward the northwest and northeast. During the public outreach for the existing use permit, these three adjacent property owners provided letters stating no objection to the proposed use.

The applicant is proposing the following modifications to existing Use Permit (UP12-05):

- Hours of Operation
- Parking/Traffic Plan
- Use of Alcohol
- Location of Audio Speakers
- Type of Music/Entertainment

Hours of Operation

The existing use permit stipulates the hours of operation to be from 10:00 AM to 10:00 PM daily, except the facility may not operate on Wednesdays and Sundays.

The applicant is requesting to expand the permitted hours of operation to be from 7:30 AM to 11:00 PM daily, with the exception of New Year's Eve. The modification would stipulate that the banquet facility shall comply with the Town of Gilbert noise ordinance. Additionally, the revised permit would stipulate that the banquet facility does not hold an event at a time that conflicts with an event at the adjacent church.

An Administrative Use Permit (AUP12-05) for shared parking was approved between the subject site and the Spirit of Joy Lutheran Church to the south. The original intent of excluding Wednesdays and Saturdays was due to the fact that the adjacent church typically uses the facility on those days. The modified stipulation would still limit the ability to hold an event at the same time as the adjacent church, but would be more accommodating to changes in the church schedule.

Parking/Traffic Plan

As previously mentioned, the banquet facility and adjacent church have an existing cross parking agreement for shared parking. The shared parking agreement allows the banquet facility to use the parking lot on the church site containing up to 73 parking spaces and similarly, the church to use approximately 21 spaces located on the banquet site.

The current parking plan specifies that all pedestrian traffic coming from the church parking lot will be directed to the public sidewalk for crossing onto the banquet facility property.

The applicant is requesting to modify this stipulation to allow pedestrians to safely cross the Houston Avenue alignment (private access easement) at the fire lane located between the two properties. In order to facilitate the crossing, the applicant is proposing to hire a private traffic controller to monitor the parking areas during both arrival and departure times, to help ensure the safety of crossing pedestrians.

Use of Alcohol

The stipulation to prohibit the use of alcohol at the banquet facility was included in the Town Council approval of case UP12-05.

The applicant is requesting to remove this stipulation to be competitive with other banquet facilities and to remove the negative impact it has on his business in terms of losing potential event bookings. The use of alcohol was discussed as a point of concern by residents, Planning Commission and Town Council during the process of approving case UP12-05.

Location of Audio Speakers

The stipulation to limit the use of audio speakers to the interior of the barn only was added by a Council person during the appeal of case UP12-05.

The applicant is requesting to modify this stipulation to permit the use of outdoor speakers only for low level, background music and for use by officiates during ceremonies or by other persons needing to use a microphone for announcements.

Type of Music/Entertainment

The existing stipulation limits the type of performance to individual live performers only, and does not allow performances by live bands. This stipulation was part of the approval by the Planning Commission in September 2012.

The applicant is requesting to modify this stipulation to allow “soft” dinner level, background music outside, while continuing to limit the louder dance music to inside the barn.

STAFF REQUEST

Staff requests Planning Commission input on the proposed modifications to UP12-05.

Respectfully submitted,



Nichole McCarty
Planner II

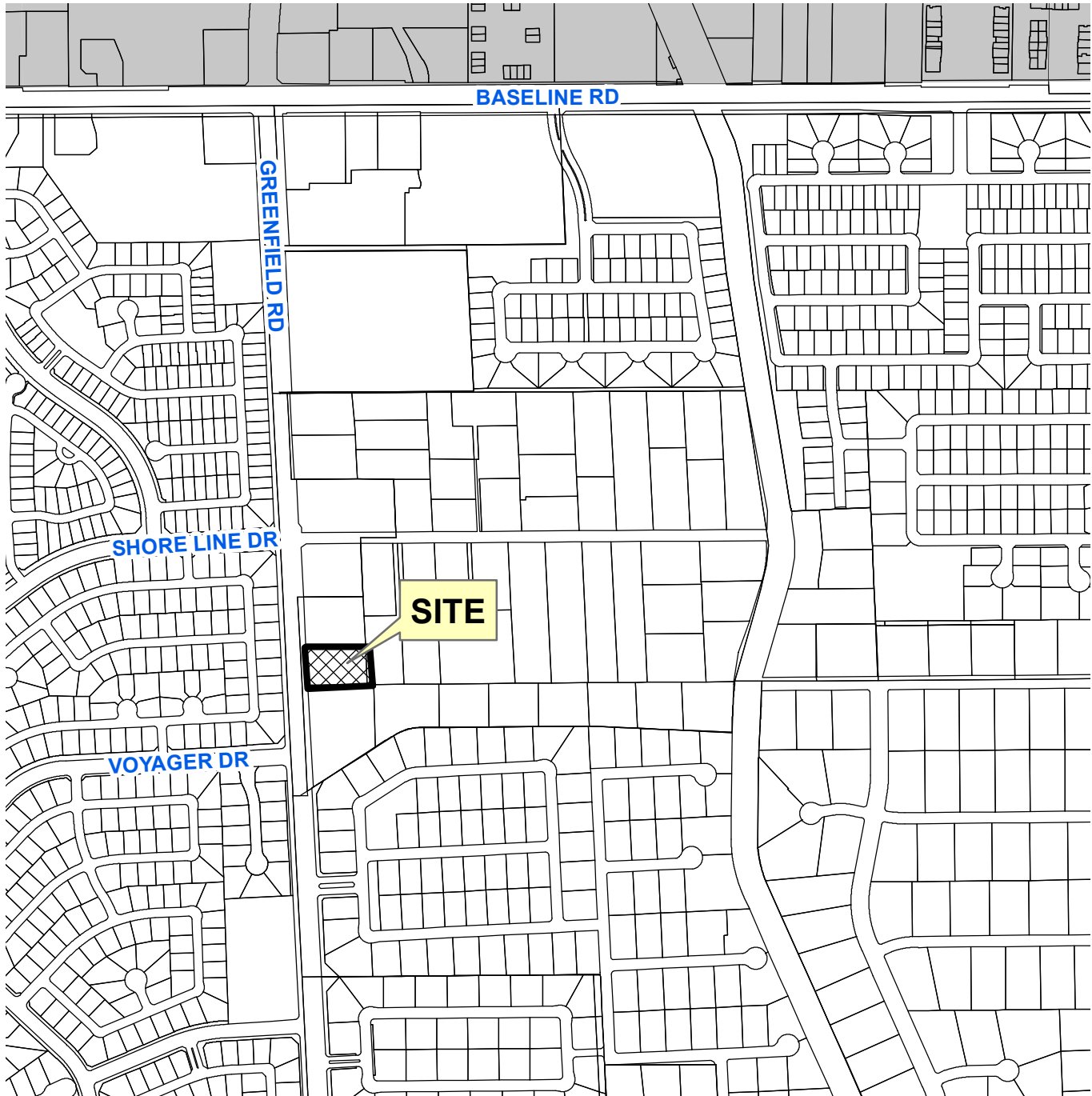
Attachments:

1. Vicinity Map
2. Aerial Photo
3. Project Narrative
4. Site Plan

UP12-05-A

Vicinity Map

SITE LOCATION:



TOWN OF GILBERT
MESA

0 260 520 1,040 Feet





July 30, 2014

Via E-mail

Linda Edwards
Town of Gilbert
50 E. Civic Center Dr.
Gilbert, AZ 85296

Re: The Elegant Barn / Stipulation Modification Request

Dear Linda:

Our office represents VVV, LLC regarding the property located at 1221 N. Greenfield Rd in Gilbert (the "Property"). As you are aware, on November 15, 2012, the Town Council approved a Conditional Use Permit for a banquet facility known as "The Elegant Barn", subject to eight (8) stipulations.

Since the CUP approval, the owner has worked closely with Town staff, the engineering department, and surrounding neighbors in developing the site consistent with Town standards. Most notably, the facility improvements were completed, a parking lot was paved and installed, new lighting was provided, and extensive on-site work was performed.

In addition to the on-site requirements, the property owner paved a portion of Houston Road for the neighbors' benefit and worked with the Town to widen and install a new driveway on Houston Road (intersecting Greenfield Road). These improvements were above and beyond the requirements to redevelop the site. Overall, the on-site enhancements and adjacent improvements have resulted in a net benefit to the area and surrounding property owners.

Since opening, the banquet facility/reception hall has operated in compliance with the zoning stipulations and enjoyed a fantastic relationship with its adjoining neighbors. The Elegant Barn owners are appreciative of the neighbors' support and community interest in the project, and they look forward to becoming a long standing community partner. However, in order to stay competitive with the other banquet facility/reception hall uses in the Town of Gilbert, the property owner requests the Town consider amending some of the stipulations of approval.

Specifically, a survey of the other similar facilities in the Town of Gilbert demonstrates the subject Property is at a competitive disadvantage as it relates to hours of operation, noise, entertainment, and beverages. These constraints are a challenge for potential customers who express excitement about the site but find the operational

constraints unworkable. Given the applicant's successful track record since opening, and the strong support from the adjacent residents, the applicant simply requests some minor modifications to achieve a successful small business enterprise. Accordingly, the applicant requests the following modifications:

Stipulation No. 1

"The VVV LLC banquet facility shall be in substantial conformance with the Attachment 3 Site Plan, Attachment 4 Traffic Coordination Plan and Attachment 5 Operating Procedures Plan, dated ~~October 3, 2012~~ (insert new date to reflect new attachments in staff report)"

This change is only necessary to reflect the new attachments in the future staff report.

Stipulation No. 2

"Hours of operation are permitted to be from ~~10~~ 7:30 am to ~~10~~ 11 pm daily, ~~excluding New Year's Eve~~ except the facility shall not operate on Wednesdays and Sundays."

The request to modify the hours of operation is a direct result of customer feedback. Many corporate events need to arrive early to set up the facilities, and a 10 am restriction does not provide the flexibility needed to book such events. Moreover, the applicant found that additional time is needed to take down events later in the evening, especially weekends and holidays. The hours requested are similar to the hours offered by other event facilities in the Town of Gilbert, most of which are open as late as midnight.

Stipulation No. 4

~~"Live bands shall not be permitted however individual live performers may be permitted to perform at Banquet Facility functions. Live entertainment shall comply with the Town Noise Ordinance"~~

The phrase "live bands" is unnecessarily vague, ambiguous, and undefined. For example, is a joint performance by a violinist, cello, and piano considered a "live band"? To avoid an arbitrary and ad-hoc determination, it seems better to simply state that all live entertainment shall comply with the Town's Noise Ordinance. This is a more practical and reasonable solution without having to regulate the type of performance.

Stipulation No. 5

~~"No outside speakers shall be permitted"~~ Outdoor speakers shall comply with the Town Noise Ordinance."

The intent of the stipulation is to control noise levels. However, the stipulation has an unintended consequence of restricting soft background music, wedding procession music, and announcements in the outside area where many of the activities occur. As you can imagine, wedding music and entertainment are a critical component to any

reception. The applicant simply requests the change to allow outdoor speakers provided it complies with the Town Noise Ordinance and to be treated consistent with other venue facilities in the Town. It's also worth noting the applicant has met with each of the adjoining residents and they are supportive of the change.

Stipulation No. 6

"No alcohol shall be permitted."


A critical element to any wedding and reception is a variety of food and beverage options. At the time the CUP was originally approved, a stipulation was added to prohibit alcohol beverages based on some inaccurate statements that were perpetuated by an opponent to the case. Since the facility has opened, it's operated in a "probationary"-type state in order to demonstrate it can operate the facility in a responsible and compatible manner.

It is important to note none of the other banquet facilities/reception halls in the Town of Gilbert are restricted against alcoholic beverage options. This is very compelling since nearly 80% of prospective clients require the option to serve alcohol at the wedding reception or event. This stipulation is overly restrictive and is a serious impact on business revenues. If it is permitted at other venues in the Town, then the applicant respectfully requests it be allowed here too. Accordingly, the applicant requests deletion of the stipulation to maintain a competitive balance and to demonstrate it can operate compatibly, as it has already been proven to date.

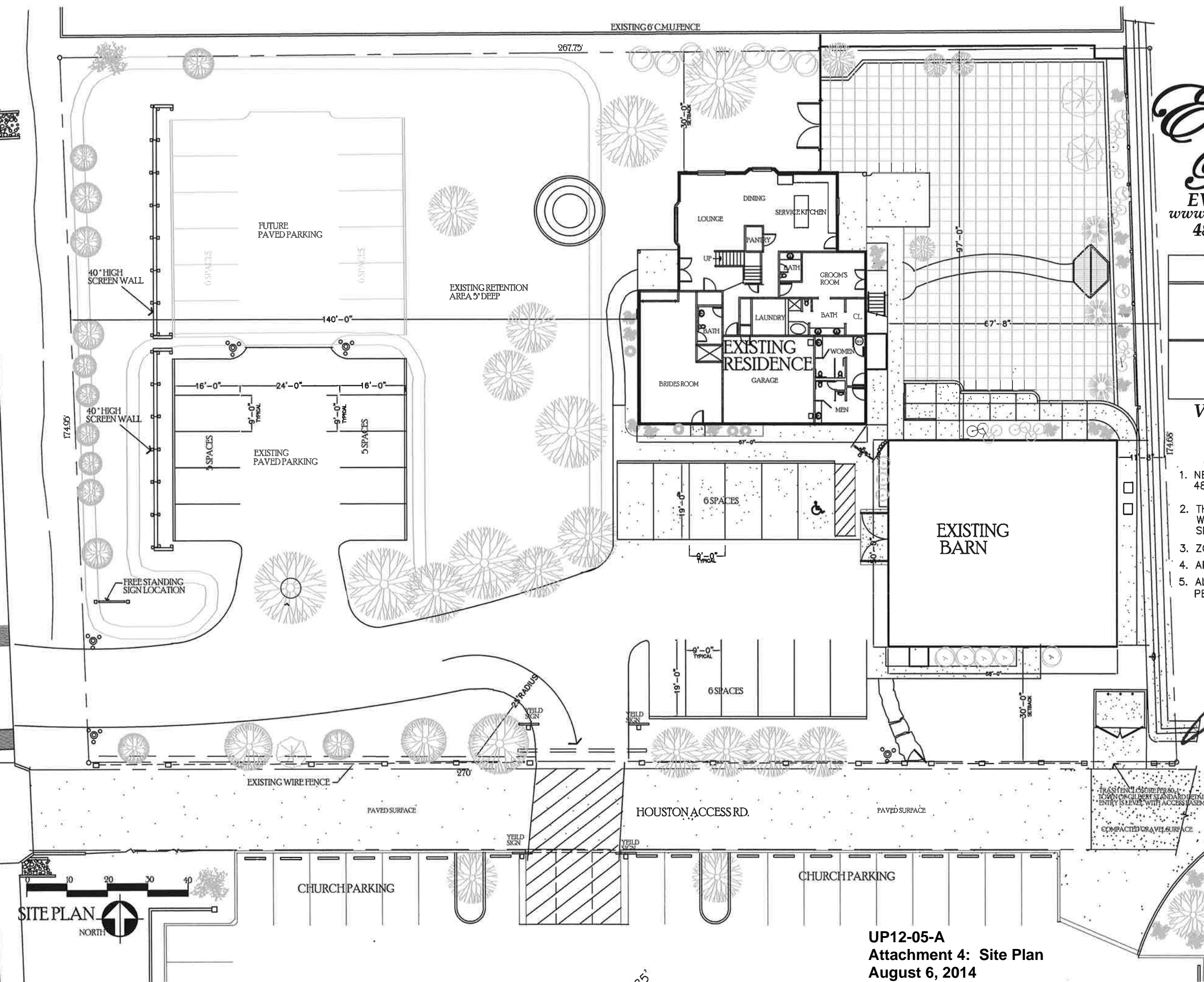
Conclusion

The applicant has made tremendous strides to improve the site and overcome some of the concerns that were misrepresented previously about the use. They recognize the initial stipulations were necessary to show they could responsibly operate the use without the parade of terribles that were alleged. As its track record shows, the applicant has been able to operate in compliance with the stipulations without any incident or registered complaint. They are proud of these changes and intend to continue to improve the venue's condition as time & money permits. However, to maintain a successful banquet facility, some relief and flexibility is requested in order to stay competitive with the other event facilities in the Town. Because the applicant has operated in a compatible manner, has the support of its adjoining neighbors, and seeks to operate under the same rules as the other facilities, we respectfully request your favorable consideration of this request.

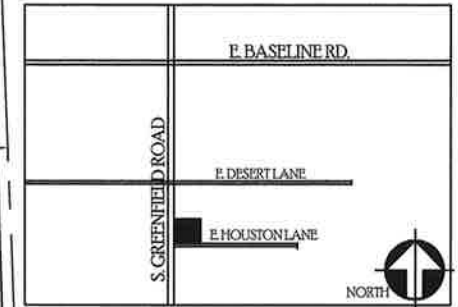
Sincerely yours,
WITHEY MORRIS, P.L.C.


By
G. Adam Baugh

NORTH GREENFIELD ROAD



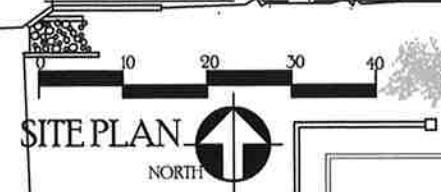
The Elegant Barn
EVENT VENUE
www.theelegantbarn.com
 480-813-2007



VICINITY MAP

SITE INFORMATION

1. NET ACRES: 1.11 AC.
48,613 S.F.
2. THIS IS A IRRIGATED PROPERTY WITH OVERLAY RETENTION AREA. SEE GRADING & DRAINAGE PLAN
3. ZONING: SF-43
4. APN: 304-08-113
5. ALL PARKING SPACES ARE 9' X 19' PER TOWN OF GILBERT STANDARDS



UP12-05-A
Attachment 4: Site Plan
August 6, 2014

DRAWINGS PREPARED BY:
 FREDERICK L. CRANDALL
 ARCHITECT AZ#23468
 922 N. GILBERT RD.
 MESA, ARIZONA 85203